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LEGAL PROCESS #1

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THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

02AM01720

FAIR POLITICAL PRACTICES
COMMISSION, a state agency,

Plaintiff,

v.

AFL-CIO COMMITTEE ON POLITICAL
EDUCATION - TREASURY ACCOUNT and
RICHARD L. TRUMKA, TREASURER.

Defendants.

Case No.

(FPPC No. 01/394)

COMPLAINT FOR CIVIL PENALTIES
UNDER THE POLITICAL REFORM ACT
OF 1974, AS AMENDED (Gov. Code §§
91001, subd. (b), and 91004)

LIMITED CIVIL ACTION
[Amount demanded exceeds \$10,000]

Plaintiff, FAIR POLITICAL PRACTICES COMMISSION, a state agency, alleges as follows:

1. Plaintiff brings this action in the public interest to enforce the provisions of the Political Reform Act of 1974. (Gov. Code §§ 81000 - 91014.)

JURISDICTION

2. This court has original jurisdiction over the amount in controversy in this matter. The violation took place in connection with a campaign statement that should have been filed with the Secretary of State's Office, located in the County of Sacramento, in connection with the June 2, 1998 Primary Election. The plaintiff is located in the County of Sacramento, which is a proper venue for this action pursuant to Code of Civil Procedure section 393.

1 **PARTIES**

2 PLAINTIFF, FAIR POLITICAL PRACTICES COMMISSION

3 3. Plaintiff, Fair Political Practices Commission (the “Commission”), is a state agency
4 created by the Political Reform Act of 1974 (the “Act”). The Commission has primary responsibility for
5 the impartial, effective administration and implementation of the Act. (Gov. Code § 83111.) Pursuant
6 to Government Code section 91001, subdivision (b), the Commission is the civil prosecutor for matters
7 involving state election campaigns, and is authorized to maintain this action under Government Code
8 sections 91001, subdivision (b) and 91004.

9 DEFENDANT, AFL-CIO COMMITTEE ON POLITICAL EDUCATION – TREASURY ACCOUNT

10 4. Defendant, AFL-CIO Committee on Political Education – Treasury Account, was at all
11 relevant times a state general purpose recipient committee, as defined in Government Code sections
12 82013, subdivision (a), and 82027.5.

13 DEFENDANT, RICHARD L. TRUMKA, TREASURER

14 5. Defendant, Richard L. Trumka, Treasurer, was at all relevant times, within the meaning
15 of Government Code section 84100, the treasurer for Defendant, AFL-CIO Committee on Political
16 Education – Treasury Account.

17 CAMPAIGN DISCLOSURE REQUIREMENTS

18 6. Government Code section 81002, subdivision (a) provides that one of the purposes of the
19 Act is to ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed,
20 so that voters may be fully informed and improper practices may be inhibited.

21 7. In furtherance of the Act's purpose of ensuring campaign disclosure, the Act provides for
22 a comprehensive scheme of campaign reporting requirements. (Gov. Code, § 84200 *et seq.*)

23 8. Pursuant to Government Code sections 84100 and 84104, subdivision (b), and California
24 Code of Regulations, title 2, section 18427, subdivision (a), it is the duty of a committee's treasurer to
25 ensure compliance with all of the requirements of the Act concerning the receipt, expenditure, and
26 reporting of campaign funds. A committee's treasurer may be held jointly and severally liable, along
27 with the committee, for any reporting violations committed by the committee. (Gov. Code, § 91006.)
28

9. Government Code section 91004 provides that any person who intentionally or negligently violates any of the reporting requirements of the Act shall be liable in a civil action for an amount not more than the amount or value not properly reported. Persons that violate Government Code sections 84211 and 84203 are liable in a civil action pursuant to Government Code section 91004.

FIRST CAUSE OF ACTION

(FAILURE TO FILE A CAMPAIGN STATEMENT)

10. Plaintiff realleges, and incorporates herein, paragraphs one through nine.

11. Pursuant to Government Code section 84200.5, subdivision (d), a state general purpose recipient committee must file pre-election statements in accordance with Section 84200.7, in any even-numbered year in which a statewide direct Primary Election is held on the first Tuesday after the first Monday in June, if the committee has made contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the pre-election statement (Gov. Code, §84200.5, subd. (d).)

12. Government Code section 84200.7, subdivision (a), specifies that for an election held in June of an even-numbered year, a first pre-election statement shall be filed no later than March 22, for the reporting period ending March 17, and a second pre-election statement shall be filed no later than the 12th day before the election, for the reporting period ending on the 17th day before the election.

13. In California there was a statewide direct Primary Election on June 2, 1998.

14. Pursuant to Government Code section 84200.7, subdivision (a), for the June 2, 1998 Primary Election, the second pre-election reporting period covered January 1, 1998 through May 16, 1998, and the second pre-election statement, disclosing campaign activity during that period, was required to be filed by May 21, 1998.

15. Government Code section 84215, subdivision (a), specifies that state general purpose committees must file the original and one copy of all required campaign statements with the Secretary of State, two copies with the Registrar-Recorder of Los Angeles County, and two copies with the Registrar of Voters of the City and County of San Francisco.

16. On March 19, 1998, Defendants made a contribution of \$1,000,000 to the Californians to Protect Employee Rights' Committee, to oppose Proposition 226, a measure on the June 2, 1998

1 Primary Election ballot. Defendants made additional contributions of \$1,981,000 to the same committee
2 between April 1, 1998 and May 8, 1998. On or about May 11, 1998, Defendants also received a
3 contribution of \$100,000. As provided in Government Code section 84211, subdivisions (b), (i), and
4 (k), Defendants were required to report that they had received contributions and that they had made
5 contributions to the Californians to Protect Employee Rights' Committee on the second pre-election
6 statement that was due by May 21, 1998. In total, Defendants failed to properly report in all required
7 locations their receipt of contributions totaling \$100,000 and their expenditures totaling \$2,981,000.

8 17. Defendants did not file a second pre-election campaign statement for the period
9 January 1, 1998 through May 17, 1998, with the Secretary of State's Office or with the Registrar of
10 Voters of the City and County of San Francisco, in violation of Government Code sections 84200.5,
11 subdivision (d), and 84200.7, subdivision (c).

12 WHEREFORE, Plaintiff prays for judgment against Defendants, as follows:

- 13 1. With respect to the first cause of action, for statutory penalties against Defendants AFL-
14 CIO Committee on Political Education – Treasury Account and Richard L. Trumka,
15 Treasurer, jointly and severally, payable to the General Fund of the State of California,
16 according to proof, in amounts as permitted by Government Code section 91004, up to
17 the amount not properly reported, which was \$3,084,000.
18 2. For such other and further relief as the Court may deem proper.
19

20 Dated: February 21, 2002

FAIR POLITICAL PRACTICES COMMISSION

21
22
23 By:

Michelle L. Bigelow
Michelle L. Bigelow
Staff Counsel, Enforcement Division
Attorney for Plaintiff